

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

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|----------------------------|---|-------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL NOS. 1:05CR225 |
| |) | 1:05CR421 |
| LAWRENCE ANTHONY FRANKLIN, |) | |
| |) | |
| Defendant. |) | |

STATEMENT OF FACTS

Should this matter proceed to trial, the United States would prove the following beyond a reasonable doubt:

1. From in or about August 2002 to on or about June 30, 2004, defendant LAWRENCE ANTHONY FRANKLIN unlawfully, knowingly and willfully conspired with Steven J. Rosen, Keith Weissman, and others, to communicate national defense information to persons not entitled to receive it, in violation of Title 18, United States Code, Sections 793(d), (e) and (g). During this same time frame, FRANKLIN also unlawfully conspired with an agent and representative of a foreign government to communicate classified information, in violation of Title 50, United States Code, Section 783 and Title 18, United States Code, Section 371.

2. At all times during this time period, defendant FRANKLIN was employed by the United States government at the Department of Defense (DoD) in the Office of the Secretary of Defense (OSD), International Security Affairs (ISA), Office of Near East and South Asia, Office of Northern Gulf Affairs, Iran desk. FRANKLIN held a Top Secret security clearance with access to Sensitive Compartmented Information (SCI). His office was located within the Pentagon, in Arlington County, within the Eastern District of Virginia.

3. On August 5, 2002, co-conspirator Steven J. Rosen, Director of Foreign Policy Issues for the American Israel Public Affairs Committee (AIPAC) in Washington, D.C., called a Department of Defense employee (DoD employee A) at the Pentagon and asked for the name of someone in OSD ISA with an expertise on Iran and was given the name of defendant LAWRENCE FRANKLIN. Subsequently, FRANKLIN called Rosen and left a message regarding Rosen's interest in issues concerning Iran.

4. On August 15, 2002, Steven Rosen called FRANKLIN and left his cell phone number and said he would like to meet.

5. On August 15, 2002, defendant FRANKLIN met at a restaurant in Washington, D.C. with a Foreign Official (FO) who was stationed in Washington, D.C. at the embassy of a foreign country. The FO explained to FRANKLIN that he was the "policy" person at the embassy and he would be the appropriate person with whom the defendant should talk.

6. On August 20, 2002, FRANKLIN and Rosen spoke on the telephone and arranged to meet the next day. Rosen advised that he was bringing his colleague, co-conspirator Keith Weissman, who was employed as the Senior Middle East Analyst in the Foreign Policy Issues department at AIPAC.

7. On August 21, 2002, FRANKLIN called Rosen, and they agreed to postpone their meeting. FRANKLIN advised Rosen that he had seven or eight issues he wanted to discuss with him, and the issues were not limited to Iran.

8. In September, October, and November, 2002, FRANKLIN and the FO exchanged telephone calls in an effort to set up a meeting. FRANKLIN called the FO at his office located at the embassy, and the FO called the defendant at his office at the Pentagon.

9. On January 30, 2003, FRANKLIN and the FO met near the FO's embassy in Washington, D.C. The subject of the discussion at this meeting was a Middle Eastern country's nuclear program.

10. On February 7, 2003, FRANKLIN and a DoD employee (DoD employee B) agreed to meet with Steven Rosen and Keith Weissman.

11. On February 12, 2003, FRANKLIN, DoD employee B, Rosen, and Weissman met for breakfast at a restaurant in Arlington, Virginia, whereupon FRANKLIN disclosed to Rosen and Weissman national defense information relating to a classified draft internal United States government policy document concerning a Middle Eastern country. FRANKLIN told Rosen and Weissman that he had also prepared a separate document in connection with this policy document. As FRANKLIN well knew, he was not authorized to disclose this national defense information to Rosen and Weissman. The defendant also had reason to believe that his unlawful disclosure of this information could be used to the injury of the United States or to the advantage of a foreign nation.

12. On February 14, 2003, FRANKLIN and Rosen discussed FRANKLIN's prospects for a position on the National Security Council (NSC) staff, and Rosen told FRANKLIN that by working at the NSC that he would be "by the elbow of the President." FRANKLIN asked Rosen to "put in a good word" for him, and Rosen said, "I'll do what I can." Rosen ended the conversation by telling FRANKLIN that he hoped they would keep in touch and that breakfast was a real "eye-opener."

13. On March 7, 2003, Rosen called FRANKLIN at the Pentagon and arranged to meet early one morning at Union Station, in Washington, D.C.

14. On March 10, 2003, FRANKLIN, Rosen and Weissman met at Union Station early in the morning. In the course of the meeting, the three men moved from one restaurant to another and then finished the meeting in an empty restaurant, in order to find a quiet place and avoid having anyone overhear their conversation about the classified draft internal United States government policy document concerning a Middle Eastern country.

15. On March 12, 2003, FRANKLIN called Rosen from his office in the Pentagon and left a message saying that he was trying to fax a document to Rosen and Weissman but was unable to do so and wanted to make sure Rosen was present to receive it.

16. On March 13, 2003, FRANKLIN spoke with Rosen and was provided with Rosen's home fax number. In order to maintain confidentiality, FRANKLIN told Rosen that he preferred to send the fax to Rosen's residence.

17. On March 17, 2003, FRANKLIN faxed, from the Pentagon to Rosen's office fax machine, a document he had typed himself. This document contained national defense information which appeared in the classified appendix to the classified draft internal policy document FRANKLIN had previously discussed with Rosen and Weissman on February 12, 2003.

18. On May 2, 2003, FRANKLIN met with the FO at the Pentagon Officer's Athletic Club (POAC), located adjacent to the Pentagon in Arlington, Virginia. At this meeting, the two discussed foreign policy issues and senior United States government officials.

19. On May 23, 2003, FRANKLIN again met the FO at the POAC. At this meeting, the two discussed issues concerning a Middle Eastern country and its nuclear program and the views held by Europe and certain United States government agencies with regard to that issue.

Following this meeting, the defendant drafted an Action Memo to his supervisors, incorporating suggestions made by the FO during the meeting.

20. On June 3, 2003, FRANKLIN met with the FO at the POAC, and the discussion centered on a specific person, not in the United States government, and her thoughts concerning the nuclear program of the Middle Eastern country.

21. On June 3, 2003, Weissman called FRANKLIN and left a message. Without naming the country, he said that he and Rosen wanted to meet and talk about “our favorite country.”

22. On June 24, 2003, Weissman called FRANKLIN and asked FRANKLIN to obtain a document for him. While the document itself was not classified, Weissman told FRANKLIN that he knew “the Agency” had a copy (a reference FRANKLIN understood to mean the CIA) . FRANKLIN told Weissman he would try to get Weissman a copy and that he had a friend at the CIA if he could not get it anywhere else.

23. On June 26, 2003, FRANKLIN, Rosen and Weissman met for lunch at a restaurant in Arlington, Virginia. FRANKLIN told Rosen, “You set the agenda.” Rosen stated that he knew that “the constraints” under which FRANKLIN met with them were difficult. The three discussed the previously described classified draft internal policy document, as well as a newspaper article which described the document as classified, and the state of internal United States government deliberations.

24. On June 26, 2003, during the aforementioned meeting, FRANKLIN disclosed to Rosen and Weissman classified national defense information related to potential attacks upon United States forces in Iraq, knowing he did not have authority to do so. FRANKLIN told Rosen

and Weissman that the information was “highly classified” and asked them not to use it.

FRANKLIN had reason to believe that his unlawful disclosure of this information could be used to the injury of the United States or to the advantage of a foreign nation.

25. On October 24, 2003, FRANKLIN and the FO had a telephone conversation during which they discussed the status of the previously described classified draft internal policy document. The FO said he had information that work on the “policy” had stopped, and FRANKLIN confirmed that there had been “nothing on any calendar in regard to that” document.

26. On February 13, 2004, FRANKLIN met the FO at the POAC. At this meeting, the FO suggested to the defendant that he should meet with a person previously associated with an intelligence agency of FO’s country who was then running a think tank in that country.

27. On February 20, 2004, FRANKLIN met in the cafeteria at the Pentagon with this person previously associated with an intelligence agency of the foreign country and discussed a Middle Eastern country’s nuclear program.

28. On or about May 21, 2004, FRANKLIN verbally provided to reporters from a national news organization Top Secret/SCI national defense information concerning meetings involving two Middle Eastern officials. Shortly thereafter, the news organization, quoting FRANKLIN, broadcast a report that an unidentified source had specified that the U.S. government had obtained intelligence pertaining to these meetings and further provided details based on information FRANKLIN had supplied to the reporters. As FRANKLIN well knew, he was not authorized to disclose this national defense information to the media. The defendant also had reason to believe that his unlawful disclosure of this information could be used to the injury of the United States or to the advantage of a foreign nation.

29. On June 8, 2004, FRANKLIN and the FO met at a coffee house in Washington, D.C. At this meeting, the defendant provided the FO with classified information he had learned from a classified United States government document related to a Middle Eastern country's activities in Iraq. As FRANKLIN well knew, he was not authorized to disclose this classified information to the FO.

30. On June 23, 2004, FRANKLIN met the FO and another official from the FO's country at the Pentagon. The parties discussed the military situation in Iraq. The defendant provided the FO with an unclassified copy of a speech and list of questions that a senior United States government official was to give that day or the next before the Congressional Foreign Affairs Committee.

31. Between December 2003 and June 2004, at an unknown location, FRANKLIN disclosed to the FO classified United States government information relating to a weapons test conducted by a Middle Eastern country. As FRANKLIN well knew, he was not authorized to disclose this classified information to the FO.

32. On or about June 30, 2004, FRANKLIN possessed at his residence in Kearneysville, West Virginia, Top Secret and Secret documents containing national defense information, which FRANKLIN had removed from their proper place of storage at the Pentagon. Specifically, FRANKLIN unlawfully stored at his residence approximately 38 Top Secret and 37 Secret documents, each of which was clearly marked with its level of classification. As FRANKLIN well knew, he was not authorized to store or retain classified materials at his residence.

33. The government would prove that FRANKLIN knew that when he disclosed classified information to Rosen and Weissman, they would use this information in order to promote a particular foreign policy agenda.


34. At all times during the above-described incidents, defendant FRANKLIN acted unlawfully and knowingly and not by mistake or other innocent reason.

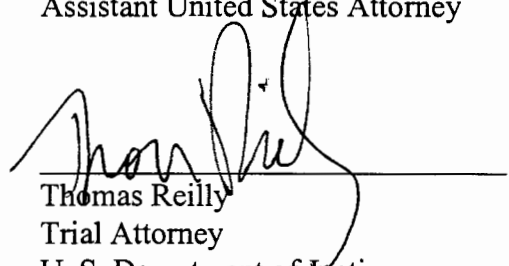
Respectfully submitted,

Paul J. McNulty
United States Attorney

By:

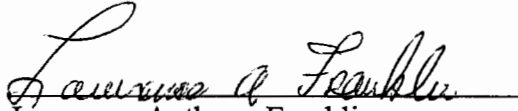

Kevin V. Di Gregory
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Thomas Reilly
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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, LAWRENCE ANTHONY FRANKLIN, and the United States, I

hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


Lawrence Anthony Franklin
Defendant

I am LAWRENCE ANTHONY FRANKLIN's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Plato Cacheris
Counsel for Defendant


John F. Hundley
Counsel for Defendant